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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION
11

12 UNITED STATES OF AMERICA

13 Plaintiff,

14 v.

15 BRYAN INOUE

16 Defendant.
17

No. 08-10847

ORDER OF DETENTION

18 I.

19 A. ☒ On motion of the Government involving an alleged:

20 1. ☐ crime of violence.

21 2. ☐ offense with maximum sentence of life imprisonment or death.

22 3. ☒ narcotics or controlled substance offense with maximum sentence of ten
23 or more years.

24 4. ☐ felony - where defendant was convicted of two or more prior offenses
25 described above.

26 B. ☒ On motion by the Government/ ☐ the court's own motion, in a case allegedly
27 involving:

28 ☒ The further allegation by the Government of:

1. ☒ a serious risk defendant will flee.
2. ☐ a serious risk defendant will:
 - a. ☐ obstruct or attempt to obstruct justice.
 - b. ☐ threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

C. The Government ☒ is/ ☐ is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure defendant's appearance as required and the safety of any person or the community.

II.

The court has considered:

- A. the nature and circumstances of the offense(s);
- B. the weight of evidence against the defendant;
- C. the history and characteristics of the defendant; and
- D. the nature and seriousness of the danger to any person or to the community.

III.

The court has considered all the evidence adduced at the hearing and the arguments and/or statements of counsel.

IV.

- A. The court finds that no condition or combination of conditions will reasonably assure:

1. ☐ the appearance of defendant as required.
- ☐ and/or

2. ☒ the safety of any person or the community.

- B. The court bases the foregoing finding(s) on the following:

1. ☐ Flight Risk: The history and characteristics indicate a serious risk that defendant will flee because: _____

2. ☒ Danger: Defendant poses a risk to the safety of other persons or the community because: on probation when offense allegedly occurred; nature of allegations; allegations of another drug offense in another jurisdiction with a different drug

3. () See also Pretrial Services Report/Memorandum.

4. (X) Defendant has not rebutted by sufficient evidence to the contrary the presumption provided by statute.

V.

A. The court finds that a serious risk exists that defendant will:

1. () obstruct or attempt to obstruct justice.

2. () threaten, injure or intimidate a witness/juror.

3. () attempt to threaten, injure or intimidate a witness/juror.

B. The court bases the foregoing finding(s) on the following:

() See also Pretrial Services Report/Memorandum.

VI.

A. IT IS ORDERED, without prejudice, that defendant be detained prior to trial.

B. IT IS FURTHER ORDERED that defendant be confined as far as practicable in a corrections facility separate from persons awaiting or serving sentences or persons held pending appeal.

C. IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private consultation with his/her counsel.

D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver defendant to a United States marshal for the purpose of an appearance in connection with a court proceeding.

DATED:

5/9/08



PAUL L. ABRAMS
United States Magistrate Judge